

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Previously Presented) A method of enabling a client to access content, the method comprising:

receiving, on a client, an instruction from a client application indicating a client request to access content;

accessing, by the client application and on the client, a list of content sources capable of rendering the content for which access is requested by the client;

requesting, using the client application on the client, identical portions of the content from each of the content sources in the list of the content sources;

determining, using the client application on the client and based on requesting the identical portions of the content, a performance metric describing an ability for the content source to support the client as measured by the client between each of the at least two of the content sources;

comparing the performance metrics for the content sources;

selecting, using the client application on the client, among the content sources based on the comparison of the performance metrics for the content sources to identify a content source to be accessed by the client; and

rendering, using the client application on the client, the identical portion of the accessed content and a subsequent portion of content that follows the identical portion of the accessed content from the selected content source.

2. (Original) The method of claim 1 further comprising accessing the content source selected.

3. (Original) The method of claim 1 further comprising monitoring communications exchanged with the content source selected to determine a selected connection state to determine if an alternate content source should be accessed.

4. (Original) The method of claim 3 further comprising repeating the determining and selecting when the selected connection state indicates that the alternate content source should be accessed.

5. (Original) The method of claim 3 further comprising monitoring the state of at least one of the content sources not selected from within the list of content sources so that the alternate content source may be selected when the connection state indicates the alternate content source should be accessed.

6. (Original) The method of claim 1 wherein receiving the list of content sources includes receiving the list of content sources from a host.

7. (Original) The method of claim 6 wherein the list of content sources is received in response to authenticating.

8. (Original) The method of claim 1 wherein determining the performance metric includes polling at least two of the content sources with a polling request.

9. (Original) The method of claim 8 wherein polling at least two of the content sources includes transmitting a stream request to each of the content sources in the list of content sources.

10. (Original) The method of claim 8 wherein determining the performance metric includes identifying a first content source with a response to the polling request that is received before other responses from other content sources included in the list of content sources.

11. (Original) The method of claim 1 wherein determining the performance metric includes identifying a first content source able to sustain an identified throughput rate.

12. (Original) The method of claim 11 wherein identifying the first content source able to sustain the identified throughput rate includes identifying the first content source able to sustain the identified throughput rate for a specified duration.

13. (Original) The method of claim 1 wherein determining the performance metric includes identifying the content source with a highest throughput rate.

14. (Original) The method of claim 1 wherein determining the performance metric includes ranking at least two of the content sources.

15. (Original) The method of claim 14 further comprising using the ranking to select a backup content source to be accessed when the content source selected for access experiences an interrupt condition.

16. (Original) The method of claim 14 further comprising maintaining a relative ranking among at least two of the content sources not selected by transmitting subsequent polling requests to the content sources not selected.

17. (Original) The method of claim 14 further comprising establishing and maintaining a connection to one or more of the content sources not selected from among the list while accessing the content source selected.

18. (Original) The method of claim 14 further comprising switching to one of the content sources not selected from the list when access to the content source selected is determined to be inferior to access available using the content source that is accessed.

19. (Previously Presented) A content access system comprising:  
a client with a processor that comprises:

a content access code segment structured and arranged to receive an instruction from a client application indicating a client request to access content;

a source selection code segment structured and arranged to:

access, by the client application, a list of content sources capable of rendering the content for which access is requested by the client, and

request, using the client application on the client, identical portions of the content from each of the content sources in the list of the content sources;

a communications interface structured and arranged to determine, using the client application on the client and based on requesting the identical portions of the content, a performance metric describing an ability for the content source to support the client as measured by the client between each of the at least two of the content sources; and

a selection code segment structured and arranged to:

compare the performance metrics for the content sources;

select, using the client application on the client, among the content sources based on the comparison of the performance metrics for the content sources to identify a content source to be accessed by the client; and

a rendering code segment structured and arranged to render, using the client application on the client, the identical portion of the accessed content and a subsequent portion of content that follows the identical portion of the accessed content from the selected content source.

20. (Original) The content access system of claim 19 further comprising a retrieval code segment structured and arranged to access the content source selected.

21. (Original) The content access system of claim 19 further comprising a first monitoring code segment structured and arranged to monitor communications exchanged with the content source selected to determine a selected connection state to determine if an alternate content source should be accessed.

22. (Original) The content access system of claim 21 further comprising a repeating code segment structured and arranged to repeat determining and selecting operations when the selected connection state indicates that the alternate content source should be accessed.

23. (Original) The content access system of claim 21 further comprising a second monitoring code segment structured and arranged to monitor the state of at least one of the content sources not selected from within the list of content sources so that the alternate content source may be selected when the connection state indicates the alternate content source should be accessed.

24. (Original) The content access system of claim 19 wherein the source selection code segment is structured and arranged to receive the list of content sources from a host.

25. (Currently Amended) The content access system of claim 24 wherein the source selection code segment is structured and arranged to receive the list of content sources in response to authenticating.

26. (Original) The content access system of claim 19 wherein the communications interface is structured and arranged to transmit a polling request to at least two of the content sources in the list of content sources.

27. (Currently Amended) The content access system of claim 26 wherein the communications interface is structured and arranged to transmittingtransmit a stream request to each of the content sources in the list of content sources.

28. (Original) The content access system of claim 26 wherein the communications interface is structured and arranged to identify a first content source with a response to a polling request that is received before other responses from other content sources included in the list of content sources.

29. (Original) The content access system of claim 19 wherein the communications interface is structured and arranged to identify a first content source able to sustain an identified throughput rate.

30. (Original) The content access system of claim 29 wherein the communications interface is structured and arranged to identify the first content source able to sustain the identified throughput rate for a specified duration.

31. (Original) The content access system of claim 19 wherein the communications interface is structured and arranged to identify the content source with a highest throughput rate.

32. (Original) The content access system of claim 19 wherein the communications interface is structured and arranged to rank at least two of the content sources.

33. (Original) The content access system of claim 32 wherein the communications interface is structured and arranged to use the ranking to select a backup content source to be accessed when the content source selected for access experiences an interrupt condition.

34. (Original) The content access system of claim 32 wherein the communications interface is structured and arranged to maintain a relative ranking among at least two of the content sources not selected by transmitting subsequent polling requests to the content sources not selected.

35. (Original) The content access system of claim 32 wherein the communications interface is structured and arranged to maintain a connection to one or more of the content sources not selected from among the list while accessing the content source selected.

36. (Original) The content access system of claim 32 wherein the communications interface is structured and arranged to switch to one of the content sources not selected from the list when access to the content source selected is determined to be inferior to access available using the content source that is accessed.

37. (Cancelled).

38. (Withdrawn) A computer-implemented method for a client, including a processor, to acquire content, the method comprising:

receiving, by the client, a set of sources that host the content;

sending, by the client, a request for the content to each of the sources;

receiving, by the client, a response from each of the sources;

establishing the source with the shortest response time as a primary source of the content for the client;

establishing, from the set of sources, a secondary set of sources of the content for the client;

receiving, by the client, identical portions of the content from the primary and the secondary sources;

determining, by the client, performance metrics for the primary and the secondary sources based on the received identical portions of the content; and selecting, by the client, a new primary source based on the performance metrics.

39. (Withdrawn) The method of claim 38 wherein the content comprises an audio or video stream.

40. (Withdrawn) The method of claim 38 wherein determining the performance metrics includes ranking at least two of the primary and the secondary sources.

41. (Withdrawn) The method of claim 38 wherein determining the performance metrics includes determining a rate at which the client receives the identical portions of the content from the primary and the secondary sources.

42. (Withdrawn) A client for acquiring content, the client comprising:  
a processor; and  
a non-transitory computer-readable medium storing a set of instructions for execution by the processor to perform a method comprising:

receiving, by the client, a set of sources that host the content;  
sending, by the client, a request for the content to each of the sources;  
receiving, by the client, a response from each of the sources;

establishing the source with the shortest response time as a primary source of the content for the client;

establishing, from the set of sources, a secondary set of sources of the content for the client;

receiving, by the client, identical portions of the content from the primary and the secondary sources;

determining, by the client, performance metrics for the primary and the secondary sources based on the received identical portions of the content; and

selecting, by the client, a new primary source based on the performance metrics.

43. (Withdrawn) The client of claim 42 wherein the content is an audio or video stream.

44. (Withdrawn) The client of claim 42 wherein determining the performance metrics includes ranking at least two of the primary and the secondary sources.

45. (Withdrawn) The client of claim 42 wherein determining the performance metrics includes determining a rate at which the client receives the identical portions of the content from the primary and the secondary sources.